

1 STEVEN G. KALAR
2 Federal Public Defender
3 ANGELA M. HANSEN
Assistant Federal Public Defender
3 555 - 12th Street, Suite 650
Oakland, CA 94607-3627
4 Telephone: (510) 637-3500

5 Counsel for Defendant HUTCHERSON

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. CR-12-00235 YGR
11 Plaintiff,) STIPULATED REQUEST TO CONTINUE
12 v.) SENTENCING HEARING DATE TO
APRIL 4, 2013 AND [PROPOSED]
ORDER
13)
KHUSAR MOBLEY,)
OTIS MOBLEY and) Hearing Date: February 14, 2013
D'MARCE HUTCHERSON) Time: 2:00 p.m.
14)
Defendants.)
15)
16)
17)

Defendants Otis Mobley and D'Marce Hutcherson pleaded guilty and are waiting to be sentenced. Their cases are presently set on February 14, 2013 before this Court for sentencing. The parties jointly request that the Court continue this matter to April 4, 2013 so that defense can have additional time to collect mitigation records to present to the Probation Office for the Pre-Sentence Investigation Report and based on government counsel's unavailability.

On April 5, 2012, the Grand Jury charged defendants with: (1) Conspiracy to Commit Robbery of Property of the United States and Assault on a Federal Officer, in violation of Title 18, United States Code, Section 371; (2) Assault on a Federal Officer, in violation of Title 18, United States Code, Section 111(b); (3) Robbery of Property of the United States, in violation of

Stip. Req. To Continue Sentencing Hearing Date,
No. CR-12-00235 YGR

1 Title 18, United States Code, Section 2114; and (4) Brandishing a Firearm During, in Relation
2 to, and in Furtherance of a Crime of Violence, in violation of Title 18, United States Code,
3 Section 924(c)(1)(A). On the last and most serious charged offense, defendants face a minimum
4 sentence of 7 years consecutive to any other term of imprisonment, and a maximum sentence of
5 life.

6 On October 25, 2012, Otis Mobley and D'Marce Hutcherson pleaded guilty to Counts
7 Two and Four of the Indictment pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C)
8 agreements with the government. In these agreements the parties contemplate an agreed-upon
9 range for sentencing both defendants, and both defendants may raise arguments for a sentence
10 below the recommended Guidelines range based on the factors enumerated in 18 U.S.C. § 3553.
11 As a result, both defendants are seeking records to present to the Probation Office for the Pre-
12 Sentence Investigation report, such as school records, Department of Social Services records
13 and, in Mr. Hutcherson's case, medical records. The parties need more time to obtain these
14 records and to produce them to the Probation Office.

15 The parties further seek this continuance because government counsel is unavailable
16 between February 11 through March 15, 2013. For this additional reason, the parties request a
17 sentencing date in early April 2013. The parties have contacted the Probation Officer assigned
18 to this case, Catheryn Grier. Ms. Grier does not oppose this continuance and is available on the
19 requested date. Because this is a sentencing stipulation, the parties further agree that the Speedy
20 Trial Act does not apply.

21 DATED: January 16, 2013

/S/
JAMES C. MANN
Assistant United States Attorney

23 DATED: January 16, 2013

/S/
SUZANNE MORRIS
Counsel for Otis Mobley

26 DATED: January 16, 2013

/S/

ANGELA M. HANSEN
Counsel for D'Marce Hutcherson

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the parties have reached a Rule 11(c)(1)(C) agreement that allows defendants to seek a sentence below the Guidelines-range;
2. Given that the defense would like additional time to gather records to present to the Probation Office for the Pre-Sentence Investigation Report;
3. Given that the Government is unavailable from mid-February until mid-March 2013;
4. Given the Probation Office does not oppose this continuance and is available on the requested date; and
5. Given that defendants have pleaded guilty and that the Speedy Trial Act does not apply.

Based on these findings, IT IS HEREBY ORDERED that the sentencing hearing date of February 14, 2013 is vacated and reset for April 4, 2013, at 2:00 p.m., for defendants Otis Mobley and D'Marce Hutcherson.

Pursuant to stipulation, **IT IS SO ORDERED.**

January 22, 2013

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE